

Compatibility Determination

Use: Issuance of 30-year permit for installation and operation of a sub-surface natural gas pipeline

Refuge Name: Stone Lakes National Wildlife Refuge
Sacramento County, California

Establishing and Acquisition Authority(ies): Stone Lakes National Wildlife Refuge (NWR) was established in 1994 under the authority of the Emergency Wetlands Resources Act of 1986, the Fish and Wildlife Act of 1956, the Migratory Bird Conservation Act, and the Endangered Species Act of 1973. The approved Refuge boundary contains about 18,000 acres, of which the Service owns or manages 4,065 acres. Additional acquisition authorities can be found in the funding sources used to acquire land. These sources include: the California Environmental License Plate Fund, the Cigarette and Tobacco Product Surtax (California Proposition 99, 1988), the North American Wetland Conservation Act, the Land and Water Conservation Fund, the Sacramento County Environmental Mitigation Grant/Packard Foundation, the Central Valley Improvement Act, the National Fish and Wildlife Fund, the Trust for Public Land Grant/Packard Foundation, City of Sacramento, and CalFed Bay Delta Authority.

Refuge Purpose(s): Stone Lakes NWR purposes include:

“... for the conservation of the wetlands of the Nation in order to maintain the public benefits they provide and to help fulfill international obligations contained in various migratory bird treaties and conventions ...” 16 U.S.C. § 3901(b) (Emergency Wetlands Resources Act of 1986)

“... for the development, advancement, management, conservation, and protection of fish and wildlife resources ...” 16 U.S.C. § 742f(a)(4) (Fish and Wildlife Act of 1956)

“... for the benefit of the United States Fish and Wildlife Service, in performing its activities and services. Such acceptance may be subject to the terms of any restrictive or affirmative covenant, or condition of servitude ...” 16 U.S.C. § 742f(b)(1) (Fish and Wildlife Act of 1956)

“... for use as an inviolate sanctuary, or for any other management purpose, for migratory birds.” 16 U.S.C. § 715d (Migratory Bird Conservation Act)

“... to conserve (A) fish or wildlife which are listed as endangered species or threatened species or (B) plants ...” 16 U.S.C. § 1534 (Endangered Species Act of 1973)

National Wildlife Refuge System Mission: The mission of the National Wildlife Refuge System (NWRS) is “to administer a national network of lands and waters for the conservation, management, and where appropriate, restoration of the fish, wildlife and plant resources and their habitats within the United States for the benefit of present and future generations of

Americans" (National Wildlife Refuge System Administration Act of 1966, as amended [16 U.S.C. 668dd-668ee]).

Description of Use: The Service proposes to issue a 30-year permit to Longbow Limited-Liability Company (LLC) for installation and operation of a sub-surface natural gas pipeline under a portion of Stone Lakes NWR (USFWS 2004a). This activity would be conducted by Longbow LCC on behalf of a neighboring private landowner (Mr. Galen Whitney) for private economic purposes. The underground pipeline would transport natural gas produced from a well located approximately 800 feet east of the Refuge boundary (on the Whitney property), to a gas sales point two miles to the southwest (Longbow LCC 2004). The proposed pipeline would be approximately 0.66 miles south of Hood-Franklin Road and pass from east to west under a portion of the Refuge known as the Lodi Gun Club property (Figure 1).

The pipeline would be six inches in diameter and inserted into a slightly larger diameter (7 inches) hole that would be bored using directional drilling equipment. The total area of the sub-surface that would be necessary for this use would be a 0.0784-acres (20 x 170.85 feet) (Figure 2). It would be bored 20-26 feet below the surface of the Refuge and not be visible from above ground (Figure 3). It is anticipated construction activities for the Refuge portion of this proposed project would require approximately nine days. The gas well serviced by this proposed pipeline would produce gas 24 hours per day 365 days per year for an estimated 20-30 years. A Longbow LCC employee would be responsible for day-to-day operation of the pipeline and periodically review and compare various pressure gauges and volume flow charts.

The portion of the Refuge that pipeline would pass under is the right-of-way for the abandoned Southern Pacific Railroad and associated borrow channel. Habitats under which the pipeline would pass include grasslands, perennial marsh, and open water/aquatic beds. Since no disturbances to terrestrial or aquatic habitats are anticipated from construction and operation of the proposed project, it would have no effect on the only federally-listed species in the vicinity, the giant garter snake (USFWS 2004b).

Availability of Resources: The following costs are estimated to be expended by Stone Lakes NWR staff to process this permit application and monitor the proposed activity:

	One-Time Costs	Annual Costs
Permit Processing		N/A
Meetings	0.5 days	
Phone calls	0.25 "	
Environmental compliance	10.0 "	
Pipeline Construction Monitoring	5.0 "	N/A
TOTAL	15.75 days or <u>\$4,958</u>	

Under 50CFR Section 29.21-2(a)2(ii)(E), the Service is providing the above funding estimate for processing and monitoring the permit for this proposed use. Existing Refuge resources are not adequate to address the above anticipated costs. As provided for under the above Federal

regulations, the applicant for the proposed activity (Longbow LCC) would reimburse the Service for these costs. Based on the appraisal prepared by Mr. Eric Griffin, the estimated annual cost of this permit will be \$45.

Anticipated Impacts of Use: The pipeline would be bored and installed from private agricultural land 800 feet east of the Refuge using directional drilling equipment. It would pass under the Refuge at a depth of 20-26 feet through hardpan sandstone deposits. After passing under the Refuge, it would then continue under private farm land to the west of the Refuge at a depth of six feet. The pipeline would be six inches in outside diameter and consist of Schedule 20 ERW carbon steel with a wall thickness of 0.188 inches and a coating of Fusion Bonded Power Epoxy for corrosion protection.

Longbow LCC will not require access or cause disturbance to the surface of the Refuge at any time during construction or operation of the proposed pipeline and during the entire time the gas well is productive. Anticipated environmental impacts of the proposed Permit were addressed in an Environmental Action Statement (EAS) for Categorical Exclusion under NEPA and Section 7 Memorandum under ESA prepared by the Refuge (USFWS 2004a and b). As cited in the EAS, permitting of a new right-of way where no or negligible environmental disturbances are anticipated can be categorically excluded (516 DM 6 Appendix 1.4).

The pipeline would pass under the right-of-way of the former Southern Pacific Railroad and associated borrow channel. Habitats under which the pipeline would pass include grasslands, perennial marsh, and open water/aquatic beds. Wetland habitats in this portion of the Refuge may be suitable for the federally-threatened giant garter snake but there are no verified records for this species at this location (USFWS 2004b). Construction and operation of the pipeline would not be detectable at the surface of the Refuge and cause no detectable ground surface disturbances to terrestrial or aquatic habitats within Stone Lakes NWR at any time during its construction or operation. Since no disturbances to terrestrial or aquatic habitats are anticipated, the project would have no effect on the only federally-listed species in the vicinity, the giant garter snake. It would also not necessitate permitting or formal consultation under the Clean Water Act or Section 106 of the National Historic Preservation Act (USFWS 2004a; Tremaine and Assoc. 1996).

The proposed use would not negatively affect the purposes of Stone Lakes NWR or the mission of the NWRS or impact existing or potential wildlife-dependent recreational uses. The proposed activity incorporates adequate features and appropriate measures to avoid resource impacts and includes provisions to ensure no net loss of Refuge habitat quantity or quality. No Refuge habitat values would be lost due to the proposed activity. Reimbursement from Longbow LCC for processing of their application and monitoring of construction will be provided. No cumulative or long-term effects or precedent-setting are anticipated from permitting the proposed activity. Any future applications for use of the Refuge for the purposes of natural gas exploration or extraction will be evaluated on a case-by-case basis.

Public Review and Comment: This compatibility determination would be posted on the Refuge bulletin board at Refuge headquarters (1264 Hood-Franklin Road, Elk Grove, CA) to facilitate public review and comment. During public scoping meetings for initiating the Refuge

Comprehensive Conservation Planning process in fall 2002, concerns were expressed by neighboring private landowners and gas interests that the presence of the Refuge could impede their exploration and extraction of reserved natural gas deposits. No similar concerns were expressed from the general public regarding gas operations in the vicinity of the Refuge.

Determination: (Check one below)

☐ Use is not compatible

☒ Use is compatible, with stipulations

Stipulations Necessary To Ensure Compatibility:

- Construction and operation of the pipeline will not be detectable at the surface of the Refuge and cause no detectable ground surface disturbances to terrestrial or aquatic habitats within Stone Lakes NWR at any time during its construction or 20-30 year operation.
- Construction, installation, and operation of the pipeline would be accomplished entirely on private lands to the east and west of Refuge property and not necessitate the encroachment or transport of equipment or materials across any Refuge lands.
- All access points, exploration or drilling sites, staging areas, and haul routes used by Longbow LCC and any contractors, sub-contractors, or cooperators, would be confined to non-Refuge lands. Longbow LCC would inform and seek approval from the Refuge at least 24 hours in advance of the necessity to enter upon Refuge lands for any reason.
- Longbow LLC would provide Refuge staff with an estimated timetable that would include but not be limited to: surveying, mobilization of equipment, delivery of materials, drilling, and stringing and welding of the pipeline. This timetable will be updated as needed, if changes in the schedule occur.
- Longbow LCC would consult with the Refuge regarding the placement of any above ground gas pipeline warning signs or pressure gauges that may encroach on Refuge property.
- Work would be limited to Monday through Fridays from 7:30 am to 4:30 pm.
- Longbow LCC would ensure that during construction of the pipeline, provisions for addressing potential occurrence of operation-related or other incidences of wildfire are adopted, including outfitting crews with basic fire suppression equipment (e.g., shovels, fire extinguishers, etc.). Crews shall report any occurrence of wildfires to the Refuge.
- Longbow LCC would designate an onsite point of contact to quickly respond to and resolve any potential conflicts with Refuge operations.

- Longbow LCC would provide any additional information, as requested by the Refuge for adequate monitoring and evaluation of construction and operation of the pipeline.
- At any time, the Refuge can modify these stipulations and/or any other permit terms and conditions if necessary to ensure compatibility of this proposed use with Refuge purposes and the mission of the NWRS [50 CFR 25.21 (h)].

Justification: Construction and operation of the pipeline would not be detectable at the surface of the Refuge and cause no detectable surface disturbances. Moreover, the proposed pipeline would not impact fish, wildlife, plants or their terrestrial or aquatic habitats; or the biological integrity, diversity, and environmental health; and cultural resources of the Refuge; and the NWRS. The proposed use also would not conflict with or impact other existing or potential wildlife-dependent public uses on the Refuge. Therefore, the proposed use would not materially interfere with or detract from the purposes of Stone Lakes NWR or the mission of the NWRS. Finally, the proposed activity would not materially interfere with or detract from the proposed Refuge goals and objectives contained in the draft Refuge Comprehensive Conservation Plan that will be released for public comment during spring 2005.

Refuge-owned or managed lands exist on three sides of the Whitney property where the natural gas well has been drilled. Constructing the pipeline along the proposed route is the most economical alternative for the holders of the mineral rights. Moreover, it would result in no perceivable or measurable environmental impacts to Refuge resources. In contrast, an alternate route to the south or east would necessitate traversing more extensive and sensitive Refuge biological resources. A route to the north would add additional distance and necessitate encroachment on a Sacramento County right-of-way along Hood-Franklin Road. At any time, the Refuge can modify the stipulations in this compatibility determination and/or any other permit terms and conditions, if necessary, to ensure compatibility of this proposed use with Refuge purposes and the mission of the NWRS.

Based upon the biological impacts described in the Environmental Action Statement (USFWS 2004a) and summarized herein, we believe that granting the right to Longbow LCC for a 30-year permit to use a portion of Stone Lakes NWR for construction and operation of a natural gas pipeline, would be an appropriate and justified action by the Service and if implemented according to the above stipulations, would be compatible with the purposes of the Refuge and the mission of the NWRS.

Mandatory Reevaluation Date (provide month and year):

_____ Mandatory 15-Year Reevaluation Date (for priority public uses)

2015 Mandatory 10-Year Reevaluation Date (for all uses other than priority public uses)

NEPA Compliance for Refuge Use Decision (check one below):

Conducted with Comprehensive Conservation Plan

- ☐ Categorical Exclusion without Environmental Action Statement
- ☒ Categorical Exclusion and Environmental Action Statement
- ☐ Environmental Assessment and Finding of No Significant Impact
- ☐ Environmental Impact Statement and Record of Decision

References Cited:

Longbow LCC. 2004. Application for Permit to Install Subsurface Gas Pipeline, Portion Projected Section 32, T6Nn-R4E, MDB&M, Sacramento County, California.

Tremaine & Associates, Inc. 1996. Archaeological Survey for the Proposed Southern Pacific Railroad Borrow Channel Maintenance Project Associated with the Stone Lakes National Wildlife Refuge, Sacramento County, California. Prepared for U.S. Fish and Wildlife Service; 4 pp. plus figures.

USFWS. 1992. Final Environmental Impact Statement. Stone Lakes National Wildlife Refuge. Prepared for USFWS by Jones and Stokes, Associates.

USFWS. 2004a. Environmental Action Statement for Categorical Exclusion. Sale of Sub-surface Right-of-Way Easement to Longbow Limited-Liability Company for Installation and Operation of Natural Gas Pipeline in Stone Lakes National Wildlife Refuge.

USFWS. 2004b. Oct 28 Memorandum from Stone Lakes NWR Project Leader to Administrative Files Regarding Section 7 Review for Longbow LCC Gas Pipeline.

Refuge Determination

Prepared by: _____
(Signature) (Date) _____

Refuge Manager/
Project Leader
Approval: _____
(Signature) (Date) _____

Concurrence

Refuge Supervisor: _____
(Signature) (Date) _____

California/Nevada
Operations Manager
(for CA and NV): _____
(Signature) (Date) _____